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*Attorneys for Defendants AU Optronics
Corporation America and AU Optronics Corporation*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

COPYTELE, INC., a Delaware Corporation,

Plaintiff,

v.

AU OPTRONICS CORPORATION, a
Taiwanese corporation; AU OPTRONICS
CORPORATION AMERICA, a California
corporation; E INK HOLDINGS, INC.,
a Taiwanese corporation; and E INK
CORPORATION, a Delaware corporation,

Defendants.

Case No. 13-cv-00380-MMC

**STIPULATION OF DISMISSAL
WITHOUT PREJUDICE OF
DEFENDANT AU OPTRONICS
CORPORATION AMERICA AND
WAIVER OF SERVICE OF
SUMMONS BY AU OPTRONICS
CORPORATION**

1 Plaintiff CopyTele, Inc. ("CopyTele") and Defendants AU Optronics Corporation
2 ("AUO") and AU Optronics Corporation America ("AUO America") hereby stipulate to dismiss
3 the Complaint as filed by CopyTele against Defendant AUO America in the above-captioned
4 action. The action will continue against AUO. It is further stipulated that this dismissal is
5 without prejudice and is contingent upon the following stipulations:

- 6 1. AUO America stipulates that, to the extent that it has documents, witnesses, and
7 information in its custody and control that are related to the claims for relief
8 asserted in the Complaint against AUO, AUO America agrees, subject to all
9 objections and privileges otherwise available under the Federal Rules of Civil
10 Procedure or Federal Law, to provide CopyTele with such documents, witnesses,
11 and information in response to discovery requests, including deposition notices,
12 propounded to AUO by CopyTele to the same extent AUO America would be
13 required to do so if it were a party to this action, and AUO's counsel agrees to
14 accept service of such requests on AUO America's behalf;
- 15 2. AUO America agrees that, in the event CopyTele learns of facts that CopyTele, in
16 its sole discretion, believes requires the addition or joining of AUO America as a
17 defendant in the above-captioned action, it shall promptly seek to do so upon
18 learning such facts, AUO America shall not oppose any such addition or joining
19 of AUO America as a defendant on any grounds related to the instant stipulation
20 and AUO America agrees to be bound by all prior orders, and further agrees that
21 the statute of limitations as to all claims against AUO America shall be tolled as
22 of the filing of the Complaint;
- 23 3. Pursuant to Fed. R. Civ. P 41(a), CopyTele, AUO, and AUO America agree to
24 dismiss all claims against AUO America in the above-captioned action, without
25 prejudice, each of the parties to bear its own costs, expenses and fees.
- 26 4. AUO waives service of summons pursuant to Federal Rule of Civil Procedure 4,
27 and shall have 90 days from the date of the filing of the Complaint to file its
28 response to the Complaint. AUO agrees and stipulates that its waiver of service

1 will operate as if AUO had been served by the clerk of the court in Taiwan in
2 accordance with Article 123 of the R.O.C. Code of Civil Procedure.

3
4 Dated: March 6, 2013

Respectfully Submitted:

5 LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

6 /s/ Eric B. Fastiff
Eric B. Fastiff

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12 *Attorneys for Plaintiff CopyTele, Inc.*

13
14 Dated: March 6, 2013

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23 *Attorneys for Defendants AU Optronics Corporation and
AU Optronics Corporation America*

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ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained from the other signatory.

DATED: March 6, 2013

/s/Matthew Rawlinson

Matthew Rawlinson

[PROPOSED] ORDER

Pursuant to the parties' stipulation above, IT IS SO ORDERED.

DATED: 3/13/13

Senior District Judge Maxine M. Chesney

